

CHAPTER 2000 INTAKE

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2100 CHILD PROTECTIVE SERVICES (CPS)

2110 Mandates to Report Abuse

- A. When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social services counselor, psychologist, pharmacist, licensed or certified child care provider or their employees, employee of the department, or juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department. The report shall be made at the first opportunity, but in no case longer than forty-eight (48) hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

[RCW 26.44.030](#)

- B. The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child or adult dependent or developmentally disabled person, who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following:
1. Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death;
 2. Any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or
 3. More than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

[RCW 26.44.030](#)

- C. Any other person who has reasonable cause to believe that a child or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the Department of Social and Health Services as provided in RCW 26.44.040.

[RCW 26.44.030](#)

- D. CPS shall report to law enforcement any reported alleged incident of child death, sexual abuse, non-accidental physical injury of a child or incident where the investigation reveals reasonable cause to believe that a crime against a child may have been committed.

1. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four (24) hours after the report has been received by the department.
2. In all other cases, the department shall notify the law enforcement agency within seventy-two (72) hours after a report has been received.
3. If an oral report is made to law enforcement, a written report shall also be made within five (5) days. A law enforcement agency shall notify the department of all reports received and their disposition.

[RCW 26.44.030](#)

2120 Immunity from Liability

- A. Referrers that report or testify in good faith as to alleged child abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out of such reporting or testifying under any law of this state or its political subdivisions.
- B. A person, who in good faith and without gross negligence, cooperates in an investigation arising as a result of a report made pursuant to RCW 26.44.060, shall not be subject to civil liability arising out of his or her cooperation. This subsection does not apply to a person who caused or allowed the child abuse or neglect to occur.

[RCW 26.44.060](#)

2130 Eligibility for Child Protective Services

- A. DCFS will provide intake services to any child who is alleged to have been abandoned, abused, or neglected by a person legally responsible for their care, or to a child who has no parent, guardian, or custodian capable of adequately caring for him (her) or a child with developmental disabilities.
[RCW 26.44.020\(18\)](#); [RCW 26.44.030\(12\)](#); [RCW 74.13.031\(3\)](#)
- B. CPS shall be provided by the department on behalf of any child who is reported to be allegedly abused, neglected or exploited by the child's parent, legal custodian, care-giver, or persons licensed or certified by DSHS.
[RCW 26.44.020\(18\)](#); [RCW 26.44.050](#); [RCW 74.15.030](#)
- C. CPS shall investigate alleged incidents of medical neglect in a health care facility including the withholding of medically indicated treatment from any disabled infant with a life-threatening condition.

Child Abuse Prevention and Treatment Act of 1978 - USC 5101.107G

2131 Limitation On Investigations

- A. The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of confidentiality of the identification of persons reporting under this section.
- B. If the department is unable to learn the information required in paragraph A, the department shall only investigate cases in which:
 - 1. The department believes there is a serious threat of substantial harm to the child;
 - 2. The report indicates conduct involving a criminal offense that has, or is about to, occur, in which the child is the victim; or
 - 3. The department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

[RCW 26.44.030](#)

- C. The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving *in loco parentis*, and/or bring the situation to the attention of an appropriate court, or another community agency: Provided, that an investigation is not required of non-accidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving *in loco parentis*. If the investigation reveals that a crime against a child has been committed, the department shall notify the appropriate law enforcement agency.

[RCW 74.13.031](#)

- D. A law enforcement agency shall not allow a law enforcement officer to participate as an investigator in the investigation of alleged abuse or neglect concerning a child for whom the law enforcement officer is, or has been, a parent, guardian, or foster parent. This section is not intended to limit the authority or duty of a law enforcement officer to report, testify, or be examined as authorized or required by chapter 26.44 RCW, or to perform other official duties as a law enforcement officer.

[RCW 26.44.190](#)

2132 Protocols for Sex Abuse Investigations

- A. Each agency involved in investigating child sexual abuse shall document its role in handling cases and how it will coordinate with other local agencies or systems and shall adopt a local protocol based on the state guidelines. The department and local law enforcement agencies may include other agencies

and systems that are involved with child sexual abuse victims in the multidisciplinary coordination.

- B. Each county shall develop a written protocol for handling criminal child sexual abuse investigations. The protocol shall address the coordination of child sexual abuse investigations between the prosecutor's office, law enforcement, the department, local advocacy groups, and any other local agency involved in the criminal investigation of child sexual abuse, including those investigations involving multiple victims and multiple offenders. The protocol shall be developed by the prosecuting attorney with the assistance of the agencies referenced in this paragraph.
- C. Local protocols under this section shall be adopted and in place by July 1, 2000, and shall be submitted to the legislature prior to that date.

[RCW 26.44.180](#)

2133 Protocol for Methamphetamine Investigation

A law enforcement agency in the course of investigating: (1) An allegation under RCW 69.50.401 relating to manufacture of methamphetamine; or (2) an allegation under RCW 69.50.440 relating to possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine, discovers a child present at the site, shall contact the department immediately.

RCW 26.44

2140 Limits of Authority

The department is not authorized to interfere with child-raising practices, including reasonable parental discipline, which are not injurious to a child's health, welfare, and safety. Reasonable use of corporal punishment as a means of discipline is not prohibited.

[RCW 26.44.015](#)

2150 Records and Reviews

- A. The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect.
- B. CPS shall maintain a log of screened-out non-abusive cases.
- C. The department shall make, as soon as practicable, a written record and shall maintain records of incidents of suspected child abuse reported to the agency.
 - 1. Every employee of the department who conducts an interview of any person involved in an allegation of abuse or neglect shall retain his or her original written records or notes setting forth the content of the interview unless the notes were entered into the electronic system

[RCW 26.44.030](#)

[RCW 26.44.030](#)

operated by the department which is designed for storage, retrieval, and preservation of such records.

2. Written records involving child sexual abuse shall, at a minimum, be a near verbatim record for the disclosure interview. The near verbatim record shall be produced within 15 calendar days of the disclosure interview, unless waived by management on a case-by-case basis.

[RCW 26.44.035](#)

- D. Records retained or produced are confidential. The records may be disclosed for purposes directly related to the administration of the program or as otherwise provided by law. Records may be released to other juvenile justice or care agencies only when an investigation or case involving the juvenile is being pursued by the other agency or when that agency is assigned the responsibility of supervising the juvenile.

[RCW 13.50.100](#)

- E. A contracting agency or service provider of the department that provides counseling, psychological, psychiatric, or medical services may release to the Office of the Family and Children's Ombudsman information or records relating to services provided to a juvenile who is dependent under chapter 13.34 RCW without the consent of the parent or guardian of the juvenile, or of the juvenile if the juvenile is under the age of 13 years, unless such release is otherwise specifically prohibited by law.

[RCW 13.50.100](#)

- F. A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by the agency which pertain to the juvenile except:
 1. If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents, the agency may withhold the information subject to order of the court: Provided, that if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or
 2. If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile unless otherwise authorized by law; or

3. That the department may delete the name and identifying information regarding persons or organizations who have reported alleged child abuse or neglect.

[RCW 13.50.100](#)

- G. Any communication or advice privileged under RCW 5.60.060 that is disclosed by the Office of the Attorney General or the department to the Office of the Family and Children's Ombudsman may not be deemed to be a waiver of the privilege as to others.

[RCW 13.50.150](#)

- H. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other licensed provider.

[RCW 13.50.150](#)

2151 Record Purge

- A. To protect the privacy in reporting and the maintenance of reports of non-accidental injury, neglect, death, sexual abuse, and cruelty to children by their parents, and to safeguard against arbitrary, malicious, or erroneous information or actions, the department shall not maintain information related to unfounded referrals in files or reports of child abuse or neglect for longer than six years except as provided in this section.
- B. At the end of six years from receipt of the unfounded report, the information shall be purged unless an additional report has been received in the intervening period.

[RCW 26.44.031](#)

2200 FAMILY RECONCILIATION SERVICES (FRS)

2210 Intake Eligibility for FRS

Families who are in conflict or who are experiencing problems with at-risk youth or a child who may be in need of services may request FRS from the department, which may involve a local multi-disciplinary team in its response in determining the services to be provided and in providing those services.